

Original filed 5/1/07

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HERBERT RUSSELL, JR.,)	No. C 07-0319 JF (PR)
Petitioner,)	
vs.)	ORDER CORRECTING
)	ERRONEOUS FILING;
)	CLOSING CASE;
)	INSTRUCTIONS TO CLERK
EVANS, Warden,)	
Respondent.)	

Petitioner, a state prisoner proceeding pro se, filed the instant habeas corpus petition pursuant to 28 U.S.C. § 2254 on January 18, 2007. Petitioner has an earlier habeas action pending with the Court, in case no. C 06-0106 JF (PR), where the Court dismissed the original petition with leave to amend on January 11, 2007. It appears that the instant petition was mistakenly received and opened as a new case in the instant action, rather than being filed in Petitioner's pending habeas action in case no. C 06-0106 JF (PR). Accordingly, the Clerk is instructed to copy all documents from the instant case and transfer the documents to Petitioner's earlier filed habeas action in case number C 06-0106 JF (PR).

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1 Because the instant case was opened erroneously, the Clerk shall close the file and
2 terminate any pending motions. No filing fee is due.

3 IT IS SO ORDERED.

4 DATED: 4/30/07


JEREMY FOGEL
United States District Judge

1 A copy of this ruling was mailed to the following:

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3 Herbert Russell, Jr.
4 T-72288/ D-3 108 low
5 Salinas Valley State Prison
6 P.O. Box 1050
7 Soledad, CA 93960-1050
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